

IN THE SENATE

SENATE BILL NO. 1017

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO BOATING; AMENDING SECTION 67-7008, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING CERTIFICATES OF NUMBER AND TO MAKE TECHNICAL CORREC-
3 TIONS; AMENDING SECTION 67-7008A, IDAHO CODE, TO PROVIDE FOR CERTAIN
4 FEES, TO REVISE PROVISIONS REGARDING INVASIVE SPECIES STICKERS, TO PRO-
5 VIDE FOR THE ASSESSMENT OF CERTAIN PENALTIES, AND TO MAKE TECHNICAL COR-
6 RECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 67-7008, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-7008. CERTIFICATE OF NUMBER -- EXPIRATION -- FEES. (1) Within fif-
12 teen (15) days after purchase, or as otherwise provided in this section, the
13 owner of each vessel requiring numbering by the state of Idaho shall file an
14 application for a certificate of number with an assessor or authorized ven-
15 dor on forms provided by the department. The application shall be signed
16 by the owner and shall be accompanied by the fee designated in this section.
17 Upon receipt of an application in approved form, and the appropriate fee, the
18 assessor or authorized vendor shall enter the same ~~upon~~ on the records of its
19 office and issue to the applicant two (2) validation stickers and a certifi-
20 cate of number, the receipt of any fee paid, and the name and address of the
21 owner, ~~and the assessor or authorized vendor shall forward to the department~~
22 ~~a duplicate copy~~. The owner shall also receive a vessel number that shall be
23 permanently assigned to the boat. The owner shall paint on or permanently
24 attach to each side of the bow of the vessel the vessel number and validation
25 sticker in a manner as may be prescribed by rules of the department in order
26 that they may be completely visible, and the number shall be maintained in
27 legible condition. The certificate of number shall be pocket-size and shall
28 be on board and available at all times for inspection on the vessel for which
29 issued whenever that vessel is in operation, except that livery operators
30 may have the rental agreement on board rented vessels in lieu of the certifi-
31 cate of number.

32 (2) The owner of any vessel for which a current certificate of number
33 has been issued pursuant to any federal law or a federally approved numbering
34 system of another state shall, if the vessel is operated on the waters of this
35 state in excess of sixty (60) days, make application for an Idaho certificate
36 of number in the manner prescribed in this section.

37 ~~(3) Each assessor and authorized vendor shall record, on a form pro-~~
38 ~~vided by the department, the names of all owners of vessels who make applica-~~
39 ~~tion for certificates of number, together with the amount of the fees paid by~~
40 ~~the owners. He shall, on or before the tenth of each month, forward to the de-~~
41 ~~partment a duplicate copy of each record for the preceding month.~~

1 ~~(4)~~ (3) All records of the department made or kept pursuant to this sec-
2 tion shall be kept current and shall be public records.

3 ~~(5)~~ (4) Every certificate of number issued shall continue in full force
4 and effect through December 31 of the year ~~of issue~~ displayed on the vali-
5 validation sticker unless sooner terminated or discontinued in accordance with
6 law. Certificates of number may be renewed by the owner in the same manner
7 provided for in the initial securing of them.

8 ~~(6)~~ (5) The owner of any vessel shall notify the department within fif-
9 teen (15) days if his vessel is destroyed or abandoned, or if it is sold or
10 transferred either wholly or in part to another person or persons, or if the
11 owner's address no longer conforms to the address appearing on the certifi-
12 cate of number. In all such cases, the notice shall be accompanied by a sur-
13 render of the certificate of number. When the surrender of the certificate
14 is by reason of the vessel being destroyed, abandoned or sold, the department
15 shall cancel the certificate and enter that fact in its records. If the sur-
16 render is by reason of a change of address on the part of the owner, the new
17 address shall be endorsed on the certificate and the certificate returned to
18 the owner.

19 ~~(7)~~ (6) Whenever the ownership of a vessel changes, the purchaser
20 shall, within fifteen (15) days after acquisition, make application to the
21 department for transfer to him of the certificate of number issued for the
22 vessel, giving his name, address, and the vessel number and shall, at the
23 same time, pay to the department a transfer fee of three dollars (\$3.00).
24 Upon receipt of the application and fee, the department shall transfer the
25 certificate of number issued for the vessel to the new owner or owners. Un-
26 less the application is made and the fee paid within fifteen (15) days, the
27 vessel shall be considered to be without a certificate of number.

28 ~~(8)~~ (7) No numbers other than the validation stickers and vessel num-
29 ber issued to a vessel or granted by reciprocity pursuant to law shall be
30 painted, attached, or otherwise displayed on either side of the bow of the
31 vessel.

32 ~~(9)~~ (8) If any certificate of number becomes lost, mutilated, or
33 ~~becomes~~ illegible, the owner of the vessel for which the same was issued
34 shall obtain a duplicate of the certificate from the department upon ap-
35 plication and the payment of a fee of three dollars (\$3.00). If one or both
36 validation stickers are lost, stolen, or destroyed, any sticker remnants and
37 the certificate of number should be returned to the department along with a
38 three-dollar (\$3.00) fee and an application for a duplicate certificate of
39 number and validation stickers.

40 ~~(10)~~ (9) A person engaged in the manufacture or sale of vessels of a type
41 otherwise required to be numbered by law may obtain, pursuant to regulations
42 duly promulgated by the department, certificates of number for use in the
43 testing or demonstration only of a vessel upon payment of thirteen dollars
44 (\$13.00) for each certificate. Certificates of number so issued may be used
45 by the applicant in the testing or demonstration only of vessels by temporary
46 placement of the numbers assigned by the certificates on the vessel tested
47 or demonstrated and shall be issued and displayed as otherwise prescribed by
48 this chapter or by regulation of the department.

49 ~~(11)~~ (10) The fees for each calendar year shall be:

50 (a) Vessels 0-12 feet in length \$20.00

1 if any; make of the vessel; year the vessel was manufactured; overall length
2 of the vessel; whether the vessel is an open boat, cabin cruiser, houseboat,
3 or other type; hull material; whether the propulsion is inboard, outboard,
4 inboard out-drive, or sail; whether the fuel is gasoline, diesel, or other;
5 the number previously issued by an issuing authority for the vessel, if any;
6 whether the application is for a new certificate of number, renewal of a cer-
7 tificate of number, or transfer of ownership; and the signature of the owner.

8 ~~(21)~~ (20) A certificate of number issued to a manufacturer or dealer
9 to be used on a vessel for test or demonstration purposes may omit the re-
10 quirements of this chapter if the word "manufacturer" or "dealer" is plainly
11 marked on the certificate.

12 ~~(22)~~ (21) A certificate of number issued to a vessel that is to be rented
13 or leased without propulsion machinery may omit the requirements of this
14 chapter if the words "livery vessel" are plainly marked on the certificate.

15 ~~(23)~~ (22) Each applicant for a certificate of number as prescribed in
16 this section shall submit to the department or authorized vendor the bill of
17 sale from the dealer or a bill of sale from the previous owner of the vessel
18 and, if the vessel is homebuilt, a sworn statement attesting to the identity
19 of the builder, the location or place of construction, the source of the ma-
20 terial used for construction, and a description of the vessel. The statement
21 must also be accompanied by any receipts received from the purchase or acqui-
22 sition of the materials used in the construction of the vessel and a copy of
23 the construction plans, if any; if the vessel has been rebuilt, it must con-
24 tain a sworn statement attesting to the identity of the builder, the location
25 or place of rebuilding, the source of the material used for rebuilding, and
26 a description of the vessel. The statement must also be accompanied by any
27 receipts received for the purchase or acquisition of the materials used in
28 the rebuilding of the vessel and documentation indicating the source of the
29 original hull and proof of ownership from the previous owner. If none of the
30 documents listed in this subsection are available, the applicant must submit
31 an affidavit of ownership to the department.

32 ~~(24)~~ (23) Only those counties in the state with a boating improvement
33 program recognized by the department shall be eligible to receive moneys
34 from the state vessel account. A "boating improvement program" means that
35 one (1) or more recognized boating facilities are being developed and/or
36 maintained within the county's jurisdiction and/or that the county has or is
37 actively developing a recognized boating law enforcement program.

38 ~~(25)~~ (24) A boating improvement program is recognized if it contains
39 one (1) or more boating facilities that are being maintained within the
40 county's jurisdiction or boating facilities that are being developed within
41 the county's jurisdiction. A boating facility is an improved public boating
42 access site that includes at least an improved concrete or asphalt boat ramp
43 and any type of parking area for vehicles and their attached boat trailers.
44 "Being developed" means that substantiating evidence can and shall be pre-
45 sented in proof of the development and/or that the county has or is actively
46 developing a boating law enforcement program. A boating law enforcement
47 program is a program whereby an agent of the county sheriff's department
48 is currently patrolling, or has in the recent past patrolled, the county's
49 waterways and has enforced the provisions of this chapter. "Actively de-

1 veloping" means that substantiating evidence can and shall be presented in
2 proof of the development.

3 SECTION 2. That Section 67-7008A, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1)
6 In addition to any other moneys or fees collected pursuant to the provisions
7 of section 67-7008, Idaho Code, or any other provision of chapter 70, title
8 67, Idaho Code, all vessels shall pay an additional waterway access fee each
9 calendar year as follows:

10 (a) Motorized vessels and sailboats:

11 (i) Ten dollars (\$10.00) per vessel numbered in the state of Idaho
12 prior to launch into the public waters of the state. For those ves-
13 sels numbered pursuant to section 67-7008, Idaho Code, the val-
14 idation sticker will also serve as a protection against invasive
15 species sticker; and

16 (ii) Thirty dollars (\$30.00) per vessel documented through the
17 United States coast guard or registered or numbered outside the
18 state of Idaho prior to launch into the public waters of the state.

19 (b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to
20 launch into the public waters of the state.

21 (c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code,
22 with nonmotorized fleets exceeding five (5) vessels shall be afforded a
23 prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten
24 (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty
25 (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or
26 more vessels, up to a maximum of one hundred (100) vessels. The fee for
27 any additional vessels shall be one dollar (\$1.00) per vessel. The li-
28 censed outfitter group rates shall also be available for groups exempt
29 from licensing pursuant to section 36-2103, Idaho Code.

30 (2) Upon payment of the fee as provided in this section, the payor shall
31 be issued a protection against invasive species sticker ~~that, which shall be~~
32 ~~displayed on the vessel in a manner as prescribed by the rules of the depart-~~
33 ~~ment. Stickers shall be considered in full force and effect through December~~
34 ~~31 of the year of issue.~~ prior to launch into the public waters of Idaho pur-
35 suant to this subsection.

36 (a) For motorized vessels not registered in Idaho, except as provided
37 in subsection (1)(a)(i) of this section, the protection against inva-
38 sive species sticker should be affixed next to the current year valida-
39 tion sticker on the port (left) side of the vessel.

40 (b) For nonmotorized vessels, except as provided in subsection
41 (1)(a)(i) of this section, the protection against invasive species
42 sticker should be affixed in the following manner:

43 (i) For canoes, kayaks, and other small rigid vessels, the pro-
44 tection against invasive species sticker should be affixed near
45 the bow above the waterline on the port (left) side of the vessel
46 or on top of the vessel if there is little or no waterline distinc-
47 tion; and

48 (ii) For inflatable (nonrigid) vessels, the protection against
49 invasive species sticker can be modified to allow attachment of a

1 zip tie, plastic attachment, or other similar mechanism or can be
 2 laminated into a hangtag.

3 (c) Outfitters or guides who are duly licensed in accordance with chap-
 4 ter 21, title 36, Idaho Code, must be accompanied by an affidavit that
 5 must be signed by the outfitter or guide. The signed affidavit must ver-
 6 ify the number of vessels within the covered fleet and that the appro-
 7 prate number of protection against invasive species stickers has been
 8 purchased. The protection against invasive species stickers and affi-
 9 davit must be kept on file at the outfitter's or guide's physical ad-
 10 dress and must be made available for inspection upon request of the de-
 11 partment or upon request by law enforcement. Nonmotorized commercial
 12 outfitters and guides are not required to place a protection against in-
 13 vasive species sticker on their vessels. Identification of commercial
 14 outfitted and guided boats must be in compliance with rules promulgated
 15 by the outfitters and guides licensing board.

16 (3) Stickers shall be considered in full force and effect through De-
 17 cember 31 of the year displayed on the validation sticker.

18 (4) Stickers issued in accordance with this section that have become
 19 invalid must be removed from the vessel.

20 ~~(3)~~ (5) Fees shall be collected by the department or authorized vendor.

21 (a) Vendors may retain one dollar and fifty cents (\$1.50) of fees col-
 22 lected pursuant to this section, except those collected pursuant to
 23 subsection (1) (a) (i) of this section.

24 (b) The department shall retain up to twenty percent (20%) of the fees
 25 for the actual costs of administering the sticker program.

26 (c) All remaining fees collected pursuant to this section shall be de-
 27 posited annually in the invasive species fund established in section
 28 22-1911, Idaho Code.

29 (d) For the purpose of this section, "vessel" is as defined in section
 30 67-7003, Idaho Code. All vessels are subject to the provisions of this
 31 section, with the exception of small rafts and other inflatable vessels
 32 less than ten (10) feet in length.

33 ~~(4)~~ (6) If the protection against invasive species sticker is lost,
 34 stolen or destroyed, any sticker remnants shall be returned to the depart-
 35 ment along with a three-dollar (\$3.00) fee for a duplicate sticker.

36 ~~(5)~~ (7) A person engaged in the manufacture or sale of vessels may ob-
 37 tain a sticker to be used only in the testing or demonstration only of vessels
 38 by temporary placement of the protection against invasive species sticker on
 39 the vessel tested or demonstrated.

40 (8) All operators of vessels as defined in this chapter must ensure
 41 their vessels are in compliance with the provisions of this chapter when
 42 launched upon the public waters of the state of Idaho. Noncompliance with
 43 the provisions of this chapter will result in possible assessment of penal-
 44 ties as described in section 67-7033, Idaho Code.

45 SECTION 3. An emergency existing therefor, which emergency is hereby
 46 declared to exist, this act shall be in full force and effect on and after
 47 July 1, 2023.